

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DWAIN WALLS #225087,

Plaintiff,

Case No. 1:12-cv-743

v.

Honorable Robert J. Jonker

UNKNOWN GARCIA et al.,

Defendants.

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**ORDER TO SHOW CAUSE**

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On January 22, 2013, the Court dismissed Plaintiff's second amended complaint, in part, ordered service on the remaining Defendants. To comply with the order, Plaintiff needed to make thirteen copies of his second amended complaint and exhibits for service.

On February 12, 2013, Plaintiff submitted an affidavit to the Court explaining why he has not been able to comply with the Court's order (docket #15). Plaintiff needs assistance with reading and writing because he is partially blind. Plaintiff asked prison officials for assistance with reading the Court's order, but prison officials would not help him, telling him to send a kite to the prison legal writer program. Plaintiff asserts that it takes several weeks to obtain assistance from the legal writer program and that he is unable to prepare a kite because of his condition; however, he was able to obtain the assistance of another prisoner in his unit, inmate J. Littlejohn, who read the Court's order to Plaintiff and helped him prepare an affidavit in response. Littlejohn has also submitted an affidavit in which he asserts that Plaintiff has not been able to obtain the copies ordered by the Court because prison officials will not assist Plaintiff. Plaintiff asks the Court to make copies

of the complaint and to charge the copying costs to the Michigan Department of Corrections (MDOC).

In light of the foregoing, the Court will order the MDOC to provide thirteen (13) copies of the second amended complaint and exhibits to Plaintiff or show cause why it should not be required to do so. The MDOC's response to this Order shall be in the form of an affidavit (or declaration made under penalties of perjury) and filed within fourteen (14) days of the date of this Order. If the MDOC fails to timely provide the copies or file a response, then the Clerk shall make such copies as may be necessary and to charge the MDOC for the cost of copying at the Court's usual rate of \$.50 per page. Therefore:

**IT IS ORDERED** that the MDOC provide copies to Plaintiff of his second amended complaint and exhibits or show cause, on or before fourteen days from the date of this Order, by way of an affidavit that explains why it should not be required to provide these copies.

**IT IS FURTHER ORDERED** that if the MDOC fails to comply with this Order, the Clerk shall make such copies and charge the MDOC for the cost of copying at the Court's usual rate of \$.50 per page.

Dated: March 5, 2013

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge